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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,724	10/09/2001	Akihiko Toyoshima	50P4257.04	7817
36738	7590	09/15/2004	EXAMINER	
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			VU, THAI	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/974,724	TOYOSHIMA, AKIHIKO	
	Examiner	Art Unit	
	Thai Vu	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/17/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 14-19 are objected to because of the following informalities: the dependent claims refer to incorrect independent claims ("the predetermined point" in claims 14-15; "the configuration means" in 16-18 and "the host" in 19 are not defined in either claim 1 or 9 but 11). For examination purposes, the examiner will treat claims 14-19 as claim 11's dependents. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 25 recite the limitation "the host" in the first line of the claims. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the examiner will interpret "the host" as "a host server".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-3, 5-22 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin et al. (U.S. Patent #: 6,694,430) in view of Lee et al. (U.S. Patent #: 6,728,531; hereinafter "Lee").

Regarding claim 1, Zegelin teaches an apparatus for managing data for a wireless device (FIG. 2), comprising:

a first memory for storing received data of a wireless device (FIG. 2, block 62; column 6, lines 1-22);

a second memory for storing a network operational file (FIG. 2, wireless module block 50, memory block 76, column 6, lines 33-40)

instruction means for operating the network operational file (FIG. 2, MAC layer chip block 70, column 6, lines 33-40).

It should be noticed that, Zegelin fails to clearly teaches the features of operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination. However, Lee teaches such limitations in column 11, lines 48- 53 and column 12, lines 39-49, for a purpose of transmitting customized information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the steps of

operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

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sending the received data using the wireless module to the selected destination, as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

Regarding claim 20, Zegelin teaches a method for managing data for a wireless device, comprising:

storing received data in a first memory of a wireless device (column 6, lines 1-14);

storing a network operational file in a second memory of a wireless module of the wireless device (column 12, line 22-39; Flash RAM 76 contains network conversion instruction);

instructing an operational file consisting of instructions, and operating by the instruction means the network operational file (column 12, line 22-39; MAC layer chip executes instructions stored in RAM 76).

It should be noticed that, Zegelin fails to clearly teaches the steps of selecting a destination using a wireless module, sending the received data using the wireless module to the selected destination. However, Lee teaches such limitations in column 11, lines 48- 53 and column 12, lines 39-49, for a purpose of transmitting customized information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the steps of

selecting a destination using a wireless module,

sending the received data using the wireless module to the selected destination, as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

Regarding claims 2 and 21, Zegelin further teaches limitations of the claims in (FIG. 2, column 4, lines 36-45).

Regarding claims 3 and 22, Zegelin further teaches limitations of the claims in column 6, lines 33-40, (IEEE 802.11 is a wireless protocol which can be configured to connect to a desired server in a network)

Regarding claims 5 and 24, Lee further teaches limitations of the claims in column 12, line 39-49 (cellular phones are capable of transferring data in real time).

Regarding claims 6 and 25, Lee further teaches such limitations in FIG. 1, column 5, lines 47-62 and column 6, lines 42-51 (a host, over the internet, provides information to the multimedia device by transferring data over a wireless network)

Regarding claims 7 and 26, Lee further teaches limitations of the claim ins column 6, lines 42-51 (digital audio is broadcasted in real time).

Regarding claims 8 and 27, Lee further teaches limitations of the claims in column 12, lines 39-49.

Regarding claims 9 and 28, Lee further teaches limitations of the claims in column 2, lines 17-35.

Regarding claims 10 and 29, Lee further teaches limitations of the claims in FIG. 2 (radio 100 built in multimedia player 160) and column 8, lines 28-53.

Regarding claim 11, Zegelin teaches a system for managing data in a wireless device, comprising:

a wireless module (FIG. 2, block 50).

at least one source of data stored in a memory module of said wireless module (FIG. 2, block 62; column 6, lines 1-22).

It should be noticed that Zegelin fails to clearly teaches the feature of a configuration means coupled to the memory module; and wherein said configuration means transferring the stored data to a host device having an external memory location at a predetermined point. However, Lee teaches such limitations of the claim in FIG. 3; column 11, lines 37- 53 and column 12, lines 39-49 (server 200 having external memory means 198) for a purpose of transmitting customized information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of a configuration means coupled to the memory module; and wherein said configuration means transferring the stored data to a host device having an external memory location at a predetermined point, as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

Regarding claim 12, Lee further teaches limitations of the claim in column 12, lines 23-38.

Regarding claim 13, Zegelin further teaches limitations of the claim in column 6, lines 15-21.

Regarding claim 14, Lee further teaches limitations of the claim in column 12, lines 50-58 and column 11, lines 48-54 (for a larger amount of data, the system has to select a communication method with a faster data rate, similarly, with larger amount of

data, the network system will be smart enough to alert user if the storage is full so another location can be selected).

Regarding claim 15, Lee further teaches limitations of the claim in column 11, lines 48-54 (the network system always alerts the user if the destination is not available so that another location can be selected).

Regarding claim 16, Lee further teaches limitations of the claim in column 11, lines 48-54, column 12, lines 39-49.

Regarding claim 17, Zegelin further teaches limitations of the claim in column 6, lines 33-40 (IEEE 802.11 is bidirectional wireless protocol).

Regarding claim 18, Lee further teaches limitations of the claim in column 12, line 39-49 (as a cellular phone, the device is capable of transferring and receiving digital data in real time).

Regarding claim 19, Lee further teaches limitations of the claim in FIG. 3, column 11, lines 38-54 (server 200 having external memory means 198).

Regarding claim 30, Zegelin teaches an apparatus for managing data for a wireless device, comprising:

a first memory means for storing received data of a wireless device (FIG. 2, block 62; column 6, lines 1-22);

a second memory means for storing a network operational file (FIG. 2, wireless module block 50, memory block 76, column 6, lines 33-40)

instruction means for operating the network operational file (FIG. 2, MAC layer chip block 70, column 6, lines 33-40).

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It should be noticed that Zegelin fails to clearly teaches the features of operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination. However, Lee teaches such limitations in column 11, lines 48- 53 and column 12, lines 39-49, for a purpose of transmitting customized information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the steps of

operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination, as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

Regarding claim 31, Zegelin teaches a system for managing data in a wireless device, comprising:

a wireless module (FIG. 2, block 50) ;

at least a singular source means of data stored in a memory module means of said wireless module (FIG. 2, block 62; column 6, lines 1-22); and

It should be noticed that Zegelin fails to clearly teaches the feature of a configuration means coupled to the memory module; and wherein said configuration means transferring the stored data to a host device having an external memory location at a predetermined point. However, Lee teaches such limitations of the claim in column

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11, lines 37- 53 and column 12, lines 39-49 (server 200 having external memory means 198) for a purpose of transmitting customized information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of a configuration means coupled to the memory module; and wherein said configuration means transferring the stored data to a host device having an external memory location at a predetermined point, as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

6. Claims 4 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin et al. (U.S. Patent #: 6,694,430) in view of Lee et al. (U.S. Patent #: 6,728,531) as applied to claims 1 and 20 above and in further view of Camhi (U.S. Patent #: 5,825,283).

Regarding claims 4 and 23, Zegelin and Lee, in combination, teaches all subject matter as claimed above except for the feature of the instruction means automatically sending the received data when the first memory means exceeds a predetermined threshold. However, Camhi teaches such limitations in column 16, lines 32 for the purpose of storing information in a more stable memory.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of the instruction means automatically sending the received data when the first memory means exceeds

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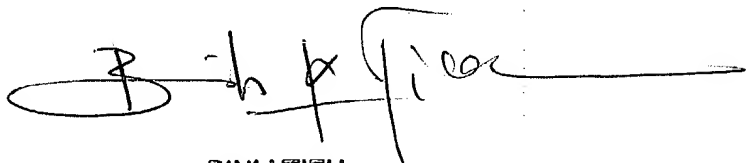
a predetermined threshold, as taught by Camhi, into view of Zegelin and Lee, in order to prevent data losses.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Vu whose telephone number is 703-305-3417. The examiner can normally be reached on 9:00AM-6:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-3900. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Vu
Examiner
Art Unit 2643

A handwritten signature in dark ink, appearing to read 'Binh Tieu', with a long horizontal line extending to the right.

BINH TIEU
PRIMARY EXAMINER